

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MALIKA-MBELE DUKE,

Plaintiff,

v.

CHRISTOPHER ALAN  
MONTGOMERY, JOHN OLSON,  
STEVENS COUNTY, and STATE  
OF WASHINGTON,

Defendants.

NO. 2:22-CV-0247-TOR

ORDER OF DISMISSAL WITHOUT  
PREJUDICE

BEFORE THE COURT is the Court's Order Denying Waiver of Filing Fee with Right to Renew Request. ECF No. 5. For the reasons discussed below, this action is dismissed without prejudice.

On October 24, 2022, Plaintiff Malika-Mbele Duke, proceeding *pro se*, filed what is construed as an incomprehensible civil complaint. ECF No. 1. On November 8, 2022, the Court sent Plaintiff an Order Denying Waiver of Filing Fee with Right to Renew Request, along with a blank In Forma Pauperis Form. ECF No. 5. The Order provided that:

1 Plaintiff's request is **DENIED with the right to renew**. Within thirty  
2 (30) days of the date of this Order Plaintiff shall submit a properly  
3 completed Application to proceed *in forma pauperis* or pay the full  
4 filing fee.

5 ECF No. 5. No filing fee or in forma pauperis application has been filed.

6 Parties filing actions in the United States District Court are required to pay  
7 filing fees. 28 U.S.C. § 1914(a). An action may proceed without the immediate  
8 payment of a filing fee only upon granting of in forma pauperis status. *See* 28  
9 U.S.C. § 1915. Failure to pay the statutory filing fee will result in dismissal of  
10 these actions without prejudice. *See In re Perroton*, 958 F.2d 889, 890 (9th Cir.  
11 1992) (affirming dismissal of appeal of pro se litigant for failure to pay required  
12 filing fees). Plaintiff never showed proof of proper service, either.

13 **ACCORDINGLY, IT IS HEREBY ORDERED:**

14 This action is **DISMISSED** without prejudice for failing to pay the filing fee  
15 or filing a properly completed Application to Proceed In Forma Pauperis.

16 The District Court Executive is directed to enter this Order, enter judgment  
17 accordingly, furnish a copy to Plaintiff, and **CLOSE** the file.

18 **DATED** January 27, 2023.



20

*Thomas O. Rice*  
THOMAS O. RICE  
United States District Judge